

Legal Alert

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New Construction Products Act – key changes

The draft of the new Construction Products Act (“NUWB”) has been prepared to implement the provisions of EU Regulation 2024/3110¹ (“CPR”) and will replace the current Act of 16 April 2004 on Construction Products. The NUWB draft is published on the Government Legislation Center’s website and is currently at the opinion stage. After the Council of Ministers adopts it, it will be submitted to the Sejm for further legislative work.

Most CPR provisions apply from 8 January 2026, although some took effect at the beginning of 2025. The NUWB aligns Polish law with the CPR and Regulation (EU) 2019/1020 on market surveillance.² The draft harmonizes definitions, specifies that the placing on the market of harmonized construction products must comply with the CPR, and strengthens public authority oversight of construction product production and marketing.

1. Construction materials – definitions and market placement

Definitions:

The CPR redefines construction products and introduces new classification rules, grouping them into “product families” rather than the previous product groups. The CPR also introduces the concept of a used product; in simplified terms, these are products that have already been incorporated into a building and do not qualify as waste. The NUWB largely transposes these CPR definitions into national law without substantive modification.

‘construction product’ means any formed or formless physical item, including 3D-printed products, or a kit that is placed on the market, including by means of supply to the construction site, for incorporation in a permanent manner into construction works or their parts, with the exception of items that first need to be integrated into a kit or another construction product prior to being incorporated in a permanent manner into construction works.

The new provisions do not change the fundamental procedures for placing construction products on the market. However, certain EU terminology has been revised, for example, introducing the harmonized area which covers all products subject to harmonized technical specifications, and redefining harmonized technical specifications. Below is a reminder of the key elements of these procedures (which remain consistent with the current rules):

Market placement – harmonized system (CE):

Products covered by harmonized technical specifications (such as harmonized standards) or by European Technical Assessments (“ETA”) must bear a CE marking. The manufacturer must prepare a declaration of performance according to relevant harmonized standards and affix the CE marking to the product.

This marking allows the free movement of construction products within the EU internal market, i.e. that it is a product tested once according to harmonized standards or ETA and is authorized for sale throughout the European Union. Harmonized standards and technical assessments are developed at European level and published in the Official Journal of the EU.

Market placement – national system (construction mark “B”):

For products not covered by EU harmonized technical specifications or ETA, a national marking system applies, i.e. a marking with the construction mark B. Under this system, the manufacturer conducts a conformity assessment according to Polish Standards (or national technical assessments under the NUWB) and prepares a national declaration of performance for the construction product. The manufacturer then affixes the B mark to the product. The NUWB preserves the possibility of using the B mark for such products, enabling their placement on the national market.

¹ Regulation (EU) 2024/3110 of the European Parliament and of the Council of 27 November 2024 laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011.

² Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products, amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011

Summary of procedures:

- **CE (harmonized system):** harmonized technical specification (or ETA) → product testing → declaration of performance and conformity → CE marking.
- **B (national system):** absence of a harmonized technical specification or ETA → Polish Standard for the product or a national technical assessment → product testing → national declaration of performance for the construction product → construction mark B.

2. Used products and the circular economy

The CPR introduces the possibility of re-using “used products”. This is defined, in simplified terms, as products once incorporated into a building and subsequently dismantled, without constituting waste. This means materials from demolition (e.g. bricks, doors, and windows) that have not become waste may be placed back on the market.

Used products may be made available after dismantling if they bear the CE marking; that marking must indicate the year of dismantling. EU technical specifications will clarify whether they apply only to new products or also set requirements for used products.

The CPR recognizes the lawful use of recovered products, supporting circular economy principles. The recycling and reuse of construction materials will be permitted if the materials’ performance parameters comply with applicable requirements.

3. Digital product passport

The CPR introduces the digital product passport to make product information readily available. The European Commission must adopt appropriate delegated acts establishing a harmonized system for issuing digital product passports.

Under the scheme, the manufacturer must provide full product information within the passport, including the declaration of performance and conformity, basic product data with instructions and safety information, and technical documentation. The passport will be linked to a data carrier (for example, a QR code or chip) placed on the product.

This mechanism will help conformity checks and product traceability, and give end-users full access to information on the product’s characteristics.

4. Market surveillance authorities and product control

Under the NUWB (which introduces arrangements broadly similar to existing rules), market surveillance of construction products in Poland will continue to be carried out primarily by voivodeship inspectors for building supervision and the Chief Inspector of Building Supervision. The President of the Office of Competition and Consumer Protection will act as the monitoring authority for the construction-products control system.

The Chief Inspector of Building Supervision will also operate a single point of contact for construction products, providing information on applicable legal requirements.

Control procedures:

The NUWB introduces provisions concerning quality control for construction products. Before each inspection procedure, the authority will conduct a risk analysis, considering potential threats and non-conformities related to the construction product and the recorded history of non-conformities of the entrepreneur.

Inspectors will be empowered (as they are today) to take product samples and commission laboratory testing. Inspections will cover, for example, the presence of CE or B markings, the conformity of the product’s performance characteristics with the declared performance, and compliance with other applicable requirements (e.g. material quality and durability).

Irregularities identified during inspections may result in suspending the product’s placement on the market or requiring the withdrawal of the product from the market.

5. Summary and support for businesses

The NUWB provides for an update of monetary penalty rates (including a 50% increase compared with current levels). Examples of infringements subject to penalties include: placing a product on the market without the required markings (absence of CE or B markings), failing to provide the required declaration of performance, supplying false or misleading information (e.g. about technical parameters), and placing products on market that do not comply with standards or assessments. Fines may be imposed on manufacturers as well as importers and distributors.

In addition to monetary penalties, in serious cases, authorities may order that a product be withdrawn from sale or prohibit the placing of the product on the market.

6. Summary and support for businesses

The introduction of the NUWB and the CPR will require manufacturers and suppliers of construction products to adapt their business processes. Key areas of change include the nomenclature associated with CE and B markings, participation in the electronic digital product passport system, and preparedness for intensified market surveillance and higher penalties. At the same time, the new law creates a framework that helps trade within the EU, and implements circular-economy requirements.

How we can help:

- Implementing compliance procedures.
- Representing entrepreneurs in proceedings before market surveillance authorities, including inspections and administrative proceedings concerning monetary penalties.
- Training personnel on the new legal requirements.



Contact us!

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